

# **EXHIBIT 12**

## **Deposition Exhibit #4**

**RECOMMENDATIONS OF THE INVESTIGATION TEAM BASED ON THE  
INVESTIGATION OF THE FATALITY OF ERWIN EVERT FROM A BEAR  
ATTACK ON JUNE 17, 2010**

July 16, 2010

**Investigation Team members<sup>1</sup>:**

Alberta Sustainable Resource Development Fish and Wildlife Division and  
Foothills Grizzly Research Project - **Gordon Stenhouse** Research  
Scientist, Program Leader, Hinton, Alberta, Canada  
Blackfeet Nation - **Dan Carney**, Bear Biologist, Browning, Montana  
Montana Fish, Wildlife and Parks Department - **Kevin Frey**, Bear  
Management, Bozeman, MT  
US Fish and Wildlife Service - **Tim Eicher**, Special Agent, Cody, WY  
US Fish and Wildlife Service - **Chris Servheen**, Grizzly Bear Recovery  
Coordinator, Missoula, MT  
US Forest Service - **Andy Pils**, Wildlife Biologist, Shoshone National  
Forest, Cody, WY  
US Forest Service - **Terry Root**, District Ranger, Shoshone National  
Forest, Cody, WY  
US Geological Survey - **William Andrie**, Regional Safety Manager,  
Denver, CO  
US National Park Service - **Kerry Gunther**, Bear Management  
Supervisor, Yellowstone National Park, WY  
Wyoming Game and Fish Department - **Mark Bruscano**, Bear  
Management Supervisor, Cody, WY  
Wyoming Game and Fish Department - **Brian Nesvik**, Regional  
Supervisor, Cody, WY

Based on the investigation team report on the fatality of Mr. Erwin Evert from a grizzly bear attack on 17 June 2010, the following recommendations are submitted for consideration by agencies involved in capture and handling of grizzly bears for research purposes. These are draft recommendations and comments from appropriate bear researchers/managers from other agencies/locations will be taken into consideration.

1. We recommend that a standardized written protocol on the use of warning signs be produced and used by all agencies. This protocol should detail the type of sign used, the wording on the signs, the distribution of signs placed in the vicinity of capture areas, and the timing of the use of such signs. We recommend that there be consideration of a uniform standardized sign similar to that in Appendix 1. We recommend that these signs be distributed appropriately at possible access routes to the trapping site. We further recommend that these signs be posted at the initiation of

<sup>1</sup> Listed alphabetically by agency affiliation.



capture operations and that the signs remain up for at least 3 days after capture operations have ceased. Because of crew scheduling concerns, we recommend that the signs have a posted date that the area is closed and a posted date ending the area closure. Posting the date that ends the area closure will eliminate the need to return to the site immediately to remove the signs at the end of 3 days. When feasible and practical all signs should be removed when deemed appropriate after bear capture efforts have ceased. We recommend that signs be made of material which is weather resistant but optimally would not be permanent plastic signs so they would degrade over time if they were left for long periods after capture operations cease.

2. We recommend that land management agencies consider adopting special orders similar to Shoshone National Forest Special Order 97-008 (Appendix 2). This special order legally closes areas behind posted signs in bear trapping areas. This formal closure order would add legal support to trapping site closures and standardization of closure orders across public lands would increase the security and enforceability of these closures. Violations of closures should be reported to law enforcement personnel of the appropriate land management agency.
3. We recommend that whenever possible and appropriate, agencies use automatic cameras at capture sites to document any human visitation to the site and to document bear use of the site. The use of cameras would be particularly valuable to document the behavior of bears recovering from immobilization. The use of cameras has the potential to increase our knowledge about how long bears stay at capture sites after they are left to recover from immobilizing agents.
4. We recommend consideration, whenever possible and appropriate, of the use of immobilizing agents that can be reversed to accelerate the recovery of immobilized bears. This would minimize the time that recovering bears spend in the vicinity of the capture site. We realize that under some conditions, reversible immobilizing agents are not appropriate and recognize that decisions on the choice of appropriate immobilizing agents need to be made by field crews on a case-by-case basis given the conditions of each capture.
5. We recommend that consideration of adding to the trapping crew's log of operations the checking of warning signs and the reporting of sign removal or damage or reposting as necessary when trap sites are regularly visited. This record would allow documentation of removal or damage to signs at trap sites and provide a check that appropriate signs remain at trapping sites.
6. We recommend considering informing the public through joint land management agency/wildlife management agency press releases (either local or ecosystem-wide) or other means that grizzly bear trapping for research and monitoring is occurring. In these information efforts, it should be noted that warning signs will be placed in the vicinity of trapping operations and that these warning signs should be obeyed.

**DANGER!**  
**BEAR TRAP IN THE**  
**AREA**

**THE AREA BEHIND THIS SIGN IS  
TEMPORARILY CLOSED. THE  
CLOSURE IS EFFECTIVE FROM**

**TO \_\_\_\_\_.**

**SPECIAL ORDER 97-008  
SHOSHONE NATIONAL FOREST**

ORDER NO. 97-008

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

SHOSHONE NATIONAL FOREST

AREA CLOSURE

Pursuant to 36 CFR, Section 261.50(a), the following act is prohibited on the area described in this order within the Shoshone National Forest.

1. It is prohibited for any person to go into or be upon any of the grizzly bear trapping and collaring areas. 36 CFR 261.53(a) 36 CFR 261.53(e)

The areas closed by this order are located on the Shoshone National Forest and will be marked on the ground with closure signs. Areas are not shown on maps due to the sensitive nature of this threatened species.

This action provides for the protection of the grizzly bear, and the public, by minimizing human/bear encounters.

Pursuant to 36 CFR, Section 261.50(e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Done at Cody Wyoming

this 21 day of July, 1997.

Rebecca Aus  
REBECCA AUS  
Forest Supervisor  
Shoshone National Forest

Violation of these prohibitions is punishable by a fine of not more than \$5000 or imprisonment for not more than six (6) months, or both.

Title 16 USC Section 551